

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

DON WOJTOWICZ,
Institutional ID No. 02280307

Plaintiff,

v.

LUBBOCK COUNTY DETENTION
CENTER,

Defendant.

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CIVIL ACTION NO. 5:19-CV-00163-C

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint on August 9, 2019. He alleges that his constitutional rights were violated while he was incarcerated at the Lubbock County Detention Center. This case was transferred to the docket of the United States Magistrate Judge for screening under 28 U.S.C. §§ 1915 and 1915A. The United States Magistrate Judge entered a Report and Recommendation on January 21, 2020, recommending that the complaint be dismissed with prejudice as frivolous and for failure to state a claim. Plaintiff did not file any objection and the time to do so has passed.

The undersigned Senior United States District Judge has reviewed the Report and Recommendation for clear error and finds none. IT IS THEREFORE ORDERED that the findings, conclusions and recommendation of the United States Magistrate Judge is ADOPTED as the findings and conclusions of this Court. For the reasons stated therein, Plaintiff's complaint and all claims alleged therein are **DISMISSED** with prejudice as frivolous and for failure to state a claim.

This dismissal shall count as a qualifying dismissal (strike) under 28 U.S.C. § 1915(e)(2)(B) and 1915A(b)(1), and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

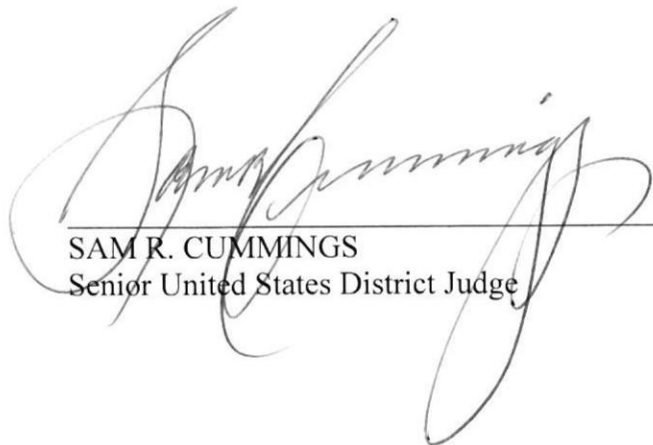
Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Any pending motions are **DENIED**.

Judgment shall be entered accordingly.

SO ORDERED.

Dated February 25, 2020.



SAM R. CUMMINGS
Senior United States District Judge